IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
LETTERS PATENT APPEAL NO.119 OF 2006
IN
REVIEW PETITION NO. OF 2006
IN
WRIT PETITION NO.1086 OF 2005

Vasant Bapu Nanaware .. Appellant
v/s.
Narayan Shambhu Mane .. Respondent

Mr.A.M.Kulkarni for the appellant.

CORAM : R.M. LODHA &
S.J. VAZIFDAR, JJ.

DATED : 11TH JULY, 2006

P.C.

The appeal is at the instance of the tenant who has suffered decree for eviction from the Small Causes Court in R.A.E.Suit No.206/77. The appeal preferred by him came to be dismissed by the Appellate Bench. Aggrieved thereby, the appellant filed writ petition before this court which came to be dismissed on 17.11.2005. However, the learned Single Judge at the request made by the advocate for the appellant herein, granted one year's time to vacate the suit premises on furnishing his undertaking within two weeks therefrom. The undertaking has also been filed by the appellant herein. Thereafter, the review application was made by the present appellant before the learned Single

Judge seeking review of the order dated 17.11.2005 on the ground that the suit property is situate in the slum area and the eviction proceedings could not have been initiated against him. According to him, the fact that the suit property was situate in the slum area came to his knowledge from the local corporator. The review application has been dismissed by the learned Single Judge by the impugned order dated 20th February, 2006 holding that the appellant had already knowledge regarding these facts.

2. We find no reason to take a different view. It is not believable that the appellant had no knowledge about the facts that he set up for the first time in the review application. What appears to us is that having furnished the undertaking before this court and sought an advantage of one year's time to vacate the suit premises, the appellant seeks to have the matter reopened to prolong the litigation.

3. No case for interference is made out. Letters Patent Appeal is dismissed in limine.

(R.M.LODHA, J.)

(S.J.VAZIFDAR, J.)